

# **EXHIBIT D**

Fwd: Triage agreement and CBA-related discovery

Claudia Wilner <wilner@nklej.org>

Wed 12/6/2023 3:36 PM

To: Matt Parham <mparham@wnylc.net>

Claudia Wilner (she/her)  
Director of Litigation and Advocacy  
NCLEJ

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**From:** Sahasrabudhe, Peter A. <PSahasra@hodgsonruss.com>

**Sent:** Friday, December 1, 2023 9:00 AM

**To:** Claudia Wilner <wilner@nklej.org>; Freely, Cheyenne N. <cfreely@hodgsonruss.com>; Russ III, Hugh M. <HRuss@hodgsonruss.com>

**Cc:** Anjana Malhotra <malhotra@nklej.org>; jjoachim@cov.com <jjoachim@cov.com>; cezie <cezie@ccrjustice.org>

**Subject:** RE: Triage agreement and CBA-related discovery

Please send a formal request for production.

We don't consent to an additional deposition.

--Peter

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**From:** Claudia Wilner <wilner@nklej.org>

**Sent:** Friday, December 1, 2023 8:52 AM

**To:** Sahasrabudhe, Peter A. <PSahasra@hodgsonruss.com>; Freely, Cheyenne N. <cfreely@hodgsonruss.com>; Russ III, Hugh M. <HRuss@hodgsonruss.com>

**Cc:** Anjana Malhotra <malhotra@nklej.org>; jjoachim@cov.com; cezie <cezie@ccrjustice.org>

**Subject:** Triage agreement and CBA-related discovery

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Peter and Cheyenne,

We have learned that the City of Buffalo entered into a Triage Agreement with the Police Benevolent Association ("PBA") that impacts the BPD Commissioner's power and ability to supervise and discipline officers. This document has never been produced to us, which is frankly disturbing as it is directly relevant to our claims and directly responsive to our discovery requests. Please immediately produce the Triage Agreement and any applicable amendments, extensions and revisions. In particular, please produce all documents that establish whether the Triage Agreement is still in effect today.

Are there any other agreements between the City and the PBA that impact officer supervision, investigation, discipline and training that the City has withheld? If so, please produce them immediately.

In addition, in light of Mayor Brown and Commissioner Gramaglia's recent deposition testimony regarding the Collective Bargaining Agreement, we request all of the City of Buffalo's proposals and counterproposals related to its authority to supervise, monitor, train, investigate, and discipline BPD officers; the PBA's response to such proposals; and the final resolution. Please include all such documents from 2019 to the present, and be sure to include all documents related to the body worn camera policy, performance evaluations of officers, and all other proposals relevant to training, supervision, and discipline.

Finally, we request your consent for one additional nonparty deposition--a 30(b)(6) representative of the Buffalo Police Benevolent Association. If you refuse consent, we intend to seek leave from the court to take this deposition.

**Claudia Wilner (she/her)**



Director of Litigation and Advocacy

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